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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,172

01/10/2006

Mirko Lehmann

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EXAMINER

BOWMAN, ANDREW J

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,172	<b>Applicant(s)</b> LEHMANN, MIRKO	
	<b>Examiner</b> ANDREW BOWMAN	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 11-18 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/27/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The examiner acknowledges the addition of claims 11-18 in the current application. As such, claims 1-18 remain pending in the current application.

#### ***Election/Restrictions***

Regarding the previously required election requirement made by the examiner in an office action dated 12/15/08, the examiner agrees that no serious burden would be placed on the examiner, and as such the election requirement is hereby withdrawn.

#### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: Use of the term "radially" regarding film or board-type structures. It is the understanding of the examiner that for something to be expanded radially, then that something would need to have a radius (i.e. in some way be round). It is the position of the examiner that films and boards are generally flat with somewhat square or rectangular cross-sections, meaning that they have no radii, meaning that radial stretching would be stretching in an undefined direction. For the purposes of this examination the language will be understood to mean "stretching that is in the direction of a line passing through the center of the part". Appropriate correction/clarification is required.

#### ***Claim Rejections - 35 USC § 102***

1. Claims 1, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoey (US3618754).

a. Regarding claims 1 and 4, Hoey teaches stretching a woven tape material and coating the stretched tape (column 2, lines 12-21) with a solution consisting

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of a polyethylene emulsion in distilled water (table in column 6) prior to removing the tension on the woven tape, wherein it would be inherent, that by the end of the processing of the tape, that it would be "reduced to the size of the structure being produced".

b. Regarding claim 5, it is the position of the examiner that there would be an infinite number of coating areas arranged next to each other, as there is no size or description given to the coating area other than that it is coated.

c. Regarding claim 6, Hoey teaches adding ZnO to the substrate (table in column 3). As the specification of the current application has given no special definition to the term biomolecule, for the purposes of this examination the examiner has understood the term to mean "any molecule that can be associated with biological interactions". As such, US5395419 (column 1, line 64 through column 2, line 2). Shows that ZnO is a known biomolecule.

d. Regarding claim 8, Hoey teaches where the core of the tape material consists of spandex (column 1, lines 70-73).

2. Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pollack (US2286569).

e. Regarding claims 1, 3, and 7, Pollack teaches stretching a transparent film and coating the material, while in tension, wherein it would be inherent, that by the end of the processing of the tape, that it would be "reduced to the size of the structure being produced".

***Allowable Subject Matter***

3. Claims 2 and 11-18 are allowed.
4. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:
  - f. .Regarding claim 2, it is the position of the examiner that the general concept of compressing a substrate and coating it with a solution while it remains under compression and then releasing the compression in order to create a modified substrate surface is not known in the prior art, nor is there any art that could be considered an obvious variant of this. Claims 11-18 stem from claim 2.
  - g. Regarding claim 9, it is the position of the examiner that although the product made using the methodology of claim 1 is known, it would not be obvious to apply that product to any sort of detection device.
    - i. The most relevant prior art (US3618754) teaches a pre-stretched coated tape. This tape is only used for bandaging applications and would not be recognized as obviously associated with detection devices.
    - ii. Another relevant prior art (US2286569) teaches a pre-stretched coated film. It is used for packaging and advertisement applications and would not be recognized as obviously associated with detection devices.

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h. Regarding claim 10, it is the position of the examiner that although the a product made using the methodology of claim 1 is known, it would not be obvious or apparently desirable to incorporate a ceramic material into these substrates or use a substrate made of a ceramic material for these operations (especially in either of the two prior arts listed above).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW BOWMAN whose telephone number is (571)270-5342. The examiner can normally be reached on Monday through Friday (7:30 to 5:00)EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Michael Barr/  
Supervisory Patent Examiner, Art Unit 1792

Andrew J Bowman  
Examiner  
Art Unit 1792

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